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DEC 29 2008

BEFORE THE CERTIFIED SHORTHAND REPORTERS BOARD

URANGA & URANGA

STATE OF IDAHO

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JAN 12 2009

In the Matter of the Certification of:)

CONNIE STONE,)

Certification No. SRL-353,)

Respondent.)

Case No. SRE-2008-1

OCCUPATIONAL LICENSES

FINDINGS OF FACT,

CONCLUSIONS OF LAW AND

RECOMMENDED ORDER

Having reviewed the Complaint and other documents in this matter, the Hearing Officer hereby enters the following Findings of Fact, Conclusions of Law, and Recommended Order:

FINDINGS OF FACT

1. Connie Stone (hereinafter "Respondent") is certified by the Idaho State Certified Shorthand Reporters Board (hereinafter "Board") under Certification No. SRL-353 to engage in the practice of certified shorthand reporting in the State of Idaho. Respondent's certification expired on October 31, 2007, and Respondent's certification was canceled as of November 1, 2007. Respondent has not renewed her certification; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew her certification for up to five (5) years after cancellation by paying the required fees.

2. On October 28, 2008, a formal administrative Complaint was filed in this matter with the Board. Said Complaint is expressly incorporated herein and made a part hereof.

3. Copies of the Complaint, along with the Notification of Procedural Rights, were re-sent to Respondent on November 5, 2008, by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail. The mailings were addressed to Respondent at her most recent known address on file with the Board, as follows:

Connie Stone
814 East Avenue C
Jerome, ID 83338

4. The certified mail was returned to the sending office with the notation "unclaimed" by the post office, and the envelope containing a copy of the Complaint which was sent to Respondent by regular mail was not returned to the sending office.

5. The Notification of Procedural Rights informed Respondent that, under statutes and rules applicable to such proceedings before the Board, Respondent needed to file a formal Answer to the Complaint within twenty-one (21) days of service of the Complaint and that failure to timely file an Answer to the Complaint or otherwise defend against the action would constitute a default and would be sufficient grounds for proceeding administratively against Respondent's certification without the necessity of conducting a hearing.

6. On Dec 29, 2008, a Notice of Proposed Default Order and Default Order, along with another copy of the Complaint and Notification of Procedural Rights, were sent to Respondent by means of the United States Mail, postage prepaid, both by certified mail, return receipt requested, and by regular mail, at the following address:

Connie Stone
814 East Avenue C
Jerome, ID 83338

7. Respondent failed to contest entry of the proposed Default Order within seven (7) days of service of the Notice of Proposed Default Order.

8. Concurrent herewith, a Default Order was entered against Respondent. Therefore, the allegations contained in the Complaint on file in this matter are admitted as true without the necessity of conducting a hearing.

9. As detailed in the incorporated Complaint, Respondent did do the following:

a. Between April and July 2007, Respondent failed to file transcripts with the Idaho Supreme Court in six cases. Respondent failed to file motions for extension of time or notify the Court as to why the transcripts had not been lodged. Respondent also failed to respond to attempts by the Supreme Court Clerk and the District Court to reach her by phone and by mail. On September 24, 2007, the Supreme Court entered an Order Reassigning Preparation of Reporter's Transcripts.

b. On December 7, 2007, Respondent took a deposition after her certification expired, and Respondent failed to provide the transcript of the deposition in a timely manner.

CONCLUSIONS OF LAW

1. As a certified shorthand reporter in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 31, Idaho Code.

2. The Complaint was sent to Respondent at the last known address on file with the Board. Respondent was duly and lawfully given notice of proceedings against her certification pursuant to the provisions of IDAPA 04.11.01.055.

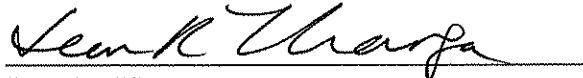
3. Respondent's failure to plead or otherwise defend in this action authorizes the Board, pursuant to Idaho Code § 67-5242(4) and IDAPA 04.11.01.700, to enter an Order of Default which is as lawful as if all the allegations in the Complaint were proved or admitted at a hearing.

4. Respondent's acts as described in the Complaint constitute grounds for discipline against Respondent's certification to practice as a certified shorthand reporter under the laws governing the practice of certified shorthand reporting in the State of Idaho, specifically Idaho Code §§ 54-3112(c) (willful violation of duty or unprofessional conduct in performing services as a certified shorthand reporter) and 54-3112(d) (persistent failure to perform duties).

ORDER

Based upon the foregoing, it is the recommendation of the Hearing Officer that the Board take such action as it deems appropriate consistent with the Findings of Fact and Conclusions of Law stated above.

DATED this 9 day of January, 2009.



Jean R. Uranga
Hearing Officer

NOTICE OF DUE PROCESS RIGHTS

This is a recommended order of the Hearing Officer. It will not become final without action of the Board. Any party may file a petition for reconsideration of this recommended order with the Hearing Officer issuing the order within fourteen (14) days of the service date of this order. The Hearing Officer issuing this recommended order will dispose of any petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5243(3).

Within twenty-one (21) days after (a) the service date of this recommended order, (b) the service date of a denial of a petition for reconsideration from this recommended order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding.

Written briefs in support of or taking exceptions to the recommended order shall be filed with the Board. Opposing parties shall have twenty-one (21) days to respond. The Board may schedule oral argument in the matter before issuing a final order. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived by the parties and for good cause shown. The Board may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order.

CERTIFICATE OF SERVICE

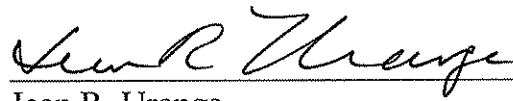
I HEREBY CERTIFY that on this 9 day of January, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Connie Stone
814 East Avenue C
Jerome, ID 83338

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Karin Magnelli
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail



Jean R. Uranga
Hearing Officer